

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
DIEDRIE ROCHELLE WEIR &) No. 3:21-CR-87-RLJ-JEM
DIEDRIA ROSEANNE FAULKNER,)
Defendants.)

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Judge as may be appropriate.

This case is before the Court on Defendants' Joint Motion for Specific Discovery [Doc. 25], filed on January 31, 2022, and Defendants' Joint Motion to Continue Trial and All Associated Deadlines [Doc. 31], filed on April 11, 2022.

As to the motion for specific discovery [Doc. 25], the Government filed a response on February 11, 2022 [Doc. 28], and Defendants filed a reply on April 1, 2022 [Doc. 30]. In Defendants' reply, they inform the Court that "there appears to be no discovery dispute to be addressed by the Court at this time" because the Government responded that all discovery materials have been provided to Defendants [Doc. 30]. The Court therefore **DENIES as MOOT** Defendants' Joint Motion for Specific Discovery [Doc. 25].

As to the motion to continue [Doc. 31], Defendants ask the Court to continue the May 10, 2022, trial date and all associated deadlines because Defendants' respective counsel have been engaging in discussion with the Government, but counsel need more time to continue those

discussions. In addition, the motion relates an additional person of interest closely related to this case remains outstanding. Defendants submit that the ends of justice require a continuance of this matter to ensure they receive constitutionally effective assistance of counsel and that the ends of justice outweigh the public interests in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Defendants contend that the failure to grant a continuance of this proceeding under the current circumstances would result in a miscarriage of justice. *Id.* § 3161(h)(7)(B)(i). The motion relates that the Government does not object to the requested continuance. The parties have conferred with Chambers and the parties have agreed on a new trial date of November 15, 2022.

The Court finds Defendants' Joint Motion to Continue Trial and All Associated Deadlines [Doc. 31] is unopposed by the Government and well taken. The Court also finds that the ends of justice served by granting a continuance outweigh the interests of Defendants and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Based upon the representations in the motion, defense counsel needs more time to engage in further discussions with the Government about this matter, and an additional person of interest closely related to this case remains outstanding. Thus, the Court concludes that the failure to grant the requested continuance of this proceeding would likely result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

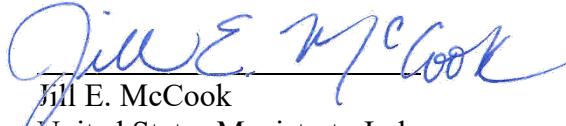
Defendants' Joint Motion to Continue Trial and All Associated Deadlines [Doc. 31] is **GRANTED**. The trial of this case is reset to **November 15, 2022**. The Court finds all the time between the filing of the motion on April 11, 2022, and the new trial date of November 15, 2022, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. §§ 3161(h)(1)(D) & (h)(7)(A)–(B). The Court also sets a new schedule in this case, which is stated in detail below.

Accordingly, it is **ORDERED** as follows:

- (1) Defendants' Joint Motion for Specific Discovery [**Doc. 25**] is **DENIED as MOOT**, and Defendants' Joint Motion to Continue Trial and All Associated Deadlines [**Doc. 31**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **November 15, 2022, at 9:00 a.m.**, before the Honorable R. Leon Jordan, United States District Judge;
- (3) All time between the filing of the motion on **April 11, 2022**, and the new trial date of **November 15, 2022**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The new deadline for filing pretrial motions is **May 27, 2022**, and responses will be due **June 10, 2022**. **Any necessary hearing on pretrial motions** will be set at a later date;
- (5) The new deadline for filing a plea agreement in the record and providing reciprocal discovery is **October 17, 2022**;
- (6) The parties are to appear before the undersigned for a final pretrial conference on **November 1, 2022, at 10:00 a.m.**;
- (7) The deadline for filing motions *in limine* is **October 31, 2022**; and
- (8) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **November 4, 2022**.

IT IS SO ORDERED.

ENTER:



Jill E. McCook
United States Magistrate Judge